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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,385	03/03/2004	Norimasa Shigeta	Q80073	3523
23373 7590 05/01/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER WASHINGTON, JAMARES	
			ART UNIT 2609	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/791,385

Applicant(s)

SHIGETA, NORIMASA

Examiner

Jamares Washington

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/17/2006, 03/03/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Kazuo Sanayagi (US 5355440).

Regarding claim 1, Sanayagi discloses a color conversion relation derivation method of deriving a color conversion relation between a first color space and a second color space

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(“...upon receiving an input of a color signal in a color [space] different from the XYZ color [space]...converts the color signal from these color [spaces] to the XYZ color [space]” at column 12 line 30), the color conversion relation derivation method comprising:

an area forming step that forms a plurality of areas filling the first color space (Fig. 2, “area ratios” described at column 3 line 36);

a partial function derivation step that derives, for each of the areas formed in the area forming step, a partial function representative of a color conversion between coordinates in the area and coordinates of the second color space using a set of an arbitrary sample point provided in the first color space and a point in the second color space, which is associated with the sample point (“First, if the Neugebauer equation given by Eq. (A3) is partially differentiated with regard to A_Y , A_M , A_C ...” at column 6 line 7); and

a whole function derivation step that combines the partial functions for the respective areas derived by the partial function derivation step to derive a whole function representative of the color conversion relation through the first color space in its entirety (Eq. (A7) column 6 line 42-45).

Regarding claim 2, Sanayagi discloses a color conversion relation derivation method according to claim 1, wherein the area forming step forms, as the plurality of areas, a plurality of areas overlapping with one another (Fig. 2), and the whole function derivation step combines the partial functions in a range that the areas are overlapped with one another (“...the Neugebauer equations which accurately describe the actual phenomenon wherein color printing...is reproduced by a mean additive color “mixture”...” at column 13 line 34. The purpose behind the

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Neugebauer equations is to obtain different shades of colors by the mixing of the 4 set colors described throughout the reference; therefore the whole function derivation step would combine the partial functions in a range where the colors “overlap” or “mix” to obtain the new shade).

Regarding claim 3, Sanayagi discloses a color conversion relation derivation apparatus for deriving a color conversion relation between a first color space and a second color space, the color conversion relation derivation apparatus comprising:

- an area forming section that forms a plurality of areas filling the first color space;

- a partial function derivation section that derives, for each of the areas formed in the area forming section, a partial function representative of a color conversion between coordinates in the area and coordinates of the second color space using a set of an arbitrary sample point provided in the first color space and a point in the second color space, which is associated with the sample point;

- and a whole function derivation section that combines the partial functions for the respective areas derived by the partial function derivation section to derive a whole function representative of the color conversion relation through the first color space in its entirety (Fig. 4 shows an embodiment of the “color image processing apparatus of the invention” which performs the method as rejected in claim 1 above at column 12 line 38).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kazuo Sanayagi (US 5355440) and well known principles in the art of image processing.

Regarding claim 4, Sanayagi discloses a color conversion relation derivation method performed by an apparatus as rejected above ("This invention relates to a color image processing method and apparatus..." at column 1 line 7).

Sanayagi fails to teach a program storage medium storing a color conversion relation derivation program which causes a computer to operate as a color conversion relation derivation apparatus, when the color conversion relation derivation program is incorporated into the computer and is executed, the color conversion relation derivation apparatus comprising:

an area forming section that forms a plurality of areas filling the first color space; a partial function derivation section that derives, for each of the areas formed in the area forming section, a partial function representative of a color conversion between coordinates in the area

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and coordinates of the second color space using a set of an arbitrary sample point provided in the first color space and a point in the second color space, which is associated with the sample point;

and a whole function derivation section that combines the partial functions for the respective areas derived by the partial function derivation section to derive a whole function representative of the color conversion relation through the first color space in its entirety.

However, it is clear from the disclosure of the reference that the processing method is carried out by an apparatus. It is well known in the image processing arts that a computer implemented method performed by an apparatus must receive "instructions" from a program residing on a computer readable medium in order for the apparatus to be operational. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a program storage medium storing the program, in the invention disclosed by Sanayagi, to make the apparatus operational. (Official Notice)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamares Washington whose telephone number is (571) 270-1585. The examiner can normally be reached on Monday thru Friday: 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner can be reached on (571) 272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jamares Washington
Junior Examiner
Art Unit 2609



JW

04/19/07



BRIAN WERNER
SUPERVISORY PATENT EXAMINER